

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

**NOTE:** — There are three Extraordinary issues to the Official Gazette Series I No. 8 dated 26-5-94 as follows:

1. Extraordinary dated 26-5-94 from pages 217 to 220,
2. Extraordinary No. 2 dated 27-5-94 from pages 221 to 222 and
3. Extraordinary No. 3 dated 31-5-94 from pages 223 to 230 regarding Notifications from Law (Legal and Legislative Affairs) Department.

### GOVERNMENT OF GOA

LAW (LEGAL & LEGISLATIVE AFFAIRS) DEPARTMENT

#### Notification

10-2-92/LA (Part)

The Chief Election Commissioner and other Election Commissioners (Conditions of Service) Amendment Ordinance, 1993 (No. 32 of 1993) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 1-10-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 21st January, 1994.

MINISTRY OF LAW, JUSTICE AND  
COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 1st October, 1993/  
Bhadra 10, 1915 (Saka)

THE CHIEF ELECTION COMMISSIONER  
AND OTHER ELECTION COMMISSIONERS  
(CONDITIONS OF SERVICE) AMENDMENT  
ORDINANCE, 1993

No. 32 of 1993

Promulgated by the President in the Forty-fourth  
Year of the Republic of India.

An Ordinance to amend the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Act, 1991.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action:

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance: —

1. *Short title and commencement.* — (1) This Ordinance may be called the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Amendment Ordinance, 1993.

(2) It shall come into force at once.

2. *Amendment of long title.* — In the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Act, 1991, (hereinafter referred to as the principal Act), in the long title, for the words "and for matters", the words "and to provide for the procedure for transaction of business by the Election Commission and for matters" shall be substituted.

11 of 1991

3. *Amendment of section 1.* — In section 1 of the principal Act, for the words and brackets "the Chief Election Commissioner and other Election Commissioners and other Election Commissioners (Conditions of Service)", the words and brackets "the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business)" shall be substituted.

4. *Amendment of section 2.* — In section 2 of the principal Act, clause (b) shall be re-numbered as clause (c) and before clause (c) as so re-numbered, the following clause shall be inserted, namely: —

"(b) "Election Commission" means the Election Commission referred to in article 324 of the Constitution;".

5. *Amendment of section 3.* — In section 3 of the principal Act, —

(a) in sub-section (1), —

(i) the brackets and figures "(1)" shall be omitted;

(ii) after the words "Chief Election Commissioner", the words "and other Election Commissioners" shall be inserted;

(b) in sub-section (2), the brackets, figure and words "(2) There shall be paid to an Election Commissioner a salary which is equal to the salary of a Judge of a High Court:" shall be omitted.

6. *Amendment of section 4.* — In section 4 of the principal Act, for the first proviso, the following proviso shall be substituted, namely: —

“Provided that where the Chief Election Commissioner or an Election Commissioner attains the age of sixty-five years before the expiry of the said term of six years, he shall vacate his office on the date on which he attains the said age.”

7. *Amendment of section 6.* — In section 6 of the principal Act, —

(a) in sub-section (2), —

(i) after the words “Chief Election Commissioner”, the words “or an Election Commissioner” shall be inserted;

(ii) for the word, brackets and figure “sub-section (4)”, the word, brackets and figure “sub-section (3)” shall be substituted;

(b) sub-section (3) shall be omitted;

(c) sub-section (4) shall be re-numbered as sub-section (3) and in sub-section (3) as so re-numbered, in clause (b), the words “or as the case may be, sixty-two years.” shall be omitted.

8. *Amendment of section 8.* — In section 8 of the principal Act, for the portion beginning with the words “for the time being, applicable to”, and ending with words “apply to an Election Commissioner”, the following shall be substituted, namely: —

“for the time being, applicable to a Judge of the Supreme Court under Chapter IV of the Supreme Court Judges (Conditions of Service) Act, 1958 and the rules made thereunder, shall, so far as may be, apply to the Chief Election Commissioner and other Election Commissioners.”

41 of 1958

9. *Insertion of new Chapter III.* — After section 8 of the principal Act, the following Chapter shall be inserted, namely: —

### “CHAPTER III

#### Transaction of Business of Election Commission

9. *Transaction of business of Election Commission.* — The business of the Election Commission shall be transacted in accordance with the provisions of this Act.

10. *Disposal of business by Election Commission.* — (1) The Election Commission may, by unanimous decision, regulate the procedure for transaction of its business as also allocation of its business amongst the Chief Election Commissioner and other Election Commissioners.

(2) Save as provided in sub-section (1), all business of the Election Commission shall, as far as possible, be transacted unanimously.

(3) Subject to the provisions of sub-section (2), if the Chief Election Commissioner and other Elec-

tion Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority.”

SHANKER DAYAL SHARMA,  
President.

K. L. MOHANPURIA,  
Secy. to the Govt. of India.

#### Notification

10-2-92/LA (Part)

The Coffee (Amendment) Ordinance, 1994 (No. 1 of 1994) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 14-1-1994, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 8th February, 1994.

#### MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

#### The Coffee (Amendment) Ordinance, 1994

New Delhi, the 14th January, 1994/  
Pausa 24, 1915 (Saka)

No. 1 of 1994

Promulgated by the President in the Forty-fourth Year of the Republic of India.

An Ordinance further to amend the Coffee Act, 1942

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance: —

1. *Short title and commencement.* — (1) This Ordinance may be called the Coffee (Amendment) Ordinance, 1994.

(2) It shall come into force at once.

2. *Amendment of section 3.* — In section 3 of the Coffee Act, 1942 (hereinafter referred to as the principal Act), —

7 of 1942

(a) for clause (c), the following clause shall be substituted, namely: —

“(c) “Collector” means a Collector of Customs as defined in clause (8) of section 2 of the Customs Act, 1962;”

52 of 1962

(b) for clause (h), the following clause shall be substituted, namely: —

“(h) “free sale quota” means that portion, stated in terms of bulk or weight, of the whole of the coffee produced by the estate in the year, which a registered estate is permitted under this Act to sell;”.

3. *Omission of section 12.* — Section 12 of the principal Act shall be omitted.

4. *Substitution of new section for section 13.* — For section 13 of the principal Act, the following section shall be substituted, namely: —

“13. *Payment of proceeds of duty to the Board.*

— (1) The proceeds of the duty of customs levied under this Act (all of which shall form part of the Consolidated Fund of India), reduced by the cost of collection as determined by the Central Government, shall, if Parliament by appropriation made by law in this behalf so provides, be paid to the Board for being utilised for the purposes of this Act.

(2) The provisions of the Customs Act, 1962, and the rules and regulations made thereunder, shall, as far as may be, apply in relation to,

(a) the refund of the duty of customs where coffee is exported and subsequently imported into India; and

(b) the export, without payment of the duty of customs, of coffee which is subsequently to be imported into India.”.

5. *Substitution of new section for section 17.* — For section 17 of the principal Act, the following section shall be substituted, namely: —

“17. *Sale of coffee in excess of free sale quota.*

— No registered owner shall sell or contract to sell coffee from any registered estate if by such sale the free sale quota allotted to that estate is exceeded nor shall a registered owner sell or contract to sell any coffee produced on his estate in any year for which no free sale quota is allotted to the estate.”.

6. *Amendment of section 20.* — In section 20 of the principal Act, for the words and figures “Sea Customs Act, 1878, shall have effect as if the provision made by this section had been made by notification issued under section 19”, the words and figures “Customs Act, 1962, shall have effect as if the provision made by this section had been made by notification issued under section 11” shall be substituted.

7. *Substitution of new section for section 22.* — For section 22 of the principal Act, the following section shall be substituted, namely: —

“22. *Free sale quota.* — (1) Unless with the previous sanction of the Central Government the Board decides that no free sale quotas shall be allotted, the Board shall, as soon as may be, allot to each registered estate a free sale quota for the year.

(2) The free sale quota shall be a fixed percentage, common to all registered estates, not exceeding fifty per cent. of the probable total production of the estate in the year as estimated by the Board:

Provided that the Board may, with the previous sanction of the Central Government, allot such quota at a percentage higher than fifty per cent of the said probable total production.

(3) The Board may at any time vary the free sale quota by varying the fixed percentage common to all registered estates, or may express the whole or any part of the free sale quota of an estate in terms of bulk instead of in terms of weight.”.

8. *Amendment of section 23.* — In section 23 of the principal Act, in sub-section (2), for the words “an internal sale quota”, at both the places where they occur, the words “a free sale quota” shall be substituted.

9. *Amendment of section 24.* — In section 24 of the principal Act, for the words “internal sale quota”, the words “free sale quota” shall be substituted.

10. *Amendment of section 25.* — In section 25 of the principal Act, —

(a) in sub-section (1), —

(i) for the words “internal sale quota”, the words “free sale quota” shall be substituted;

(ii) for the words “internal sale quotas”, at both the places where they occur, the words “free sale quotas” shall be substituted;

(b) in sub-section (2), for the words “internal sale quota”, the words “free sale quota” shall be substituted.

11. *Amendment of section 29.* — In section 29 of the principal Act, in sub-section (1), —

(i) for the words “internal sale quota”, the words “free sale quota” shall be substituted;

(ii) for the words “for internal sale”, the words “for free sale” shall be substituted;

(iii) for the words “internal sale quotas”, the words “free sale quotas” shall be substituted.

12. *Amendment of section 32.* — In section 32 of the principal Act, in sub-section (2), for the words, brackets and figures “Subject to the provisions of sub-section (4) of section 13, the pool fund”, the words “The pool fund” shall be substituted.

13. *Amendment of section 40.* — In section 40 of the principal Act, in sub-section (1), for the words “a Magistrate of the first class”, the words “a Metropolitan Magistrate or a Judicial Magistrate of the first class” shall be substituted.

14. *Amendment of section 48.* — In section 48 of the principal Act, in sub-section (2), in clause (xviii), for the words "internal sale quota", the words "free sale quota" shall be substituted.

SHANKER DAYAL SHARMA,  
*President,*

K. L. MOHANPURIA,  
*Secy. to the Govt. of India.*

#### Notification

10-2-92/LA(Part)

The Mines and Minerals (Regulation and Development) Amendment Ordinance, 1994 (No. 2 of 1994) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 25-1-1994, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 21st February, 1994.

#### MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 25th January, 1994/  
/Magha 5, 1915 (Saka)

#### THE MINES AND MINERALS (REGULATION AND DEVELOPMENT) AMENDMENT ORDINANCE, 1994

No. 2 of 1994

Promulgated by the President in the Forty-fourth  
Year of the Republic of India.

An Ordinance further to amend the Mines and  
Minerals (Regulation and Development)  
Act, 1957.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance: —

1. *Short title and commencement.* — (1) This Ordinance may be called the Mines and Minerals (Regulation and Development) Amendment Ordinance, 1994.

(2) It shall come into force at once.

2. *Amendment of section 4A.* — In the Mines and Minerals (Regulation and Development) Act, 1957 (hereinafter 67 of 1957.

referred to as the principal Act), in section 4A, —

(a) in sub-section (2), the words "after consultation with the Central Government," shall be omitted;

(b) in sub-section (4), for the words "one year" wherever they occur, the words "two years" shall be substituted.

3. *Amendment of section 5.* — In section 5 of the principal Act, —

(i) for sub-section (1), the following sub-section shall be substituted, namely: —

"(1) A State Government shall not grant a prospecting licence or mining lease to any person unless such person, —

(a) is an Indian national, or a company as defined in sub-section (1) of section 3 of the Companies Act, 1956; and 1 of 1956.

(b) satisfies such conditions as may be prescribed:

Provided that in respect of any mineral specified in the First Schedule no prospecting licence or mining lease shall be granted except with the previous approval of the Central Government.

*Explanation.* — For the purposes of this sub-section a person shall be deemed to be an Indian national, —

(a) in the case of a firm or other association of individuals, only if all the members of the firm or members of the association are citizens of India; and

(b) in the case of an individual, only if he is a citizen of India.";

(ii) in sub-section (2), in clause (a), the proviso shall be omitted.

4. *Substitution of section 7.* — For section 7 of the principal Act, the following section shall be substituted, namely: —

"(1) The period for which a prospecting licence may be granted shall not exceed three years;

(2) A prospecting licence shall, if the State Government is satisfied that a longer period is required to enable the licensee to complete prospecting operations be renewed for such period or periods as that Government may specify:

Provided that the total period for which a prospecting licence is granted does not exceed five years:

Provided further that no prospecting licence granted in respect of a mineral included in the First Schedule shall be renewed except with the previous approval of the Central Government."

5. *Amendment of section 8.*—In section 8 of the principal Act, —

(a) for sub-section (1), the following sub-section shall be substituted, namely: —

“(1) The maximum period for which a mining lease may be granted shall not exceed thirty years:

Provided that the minimum period for which any such mining lease may be granted shall not be less than twenty years.”;

(b) in sub-section (2), for the words “two periods each not exceeding ten years”, the words “a period not exceeding twenty years” shall be substituted;

(c) in sub-section (3), for the words “in each case the period for which the mining lease was originally granted”, the words “twenty years in each case” shall be substituted.

6. *Amendment of section 16.*—In section 16 of the principal Act, —

(a) in sub-section (1), —

(i) in clause (a), for the portion beginning with the words “if in force at such commencement” and ending with the words “six months from such commencement”, the following shall be substituted, namely: —

“if in force at the date of commencement of the Mines and Minerals (Regulation and Development) Amendment Ordinance, 1994 shall be brought in conformity with the provisions of this Act and the rules made thereunder within two years from the date of the commencement of the Mines and Minerals (Regulation and Development) Amendment Ordinance, 1994”;

(ii) in clause (b) for the words, brackets and figures “six months from the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972”, the words, brackets and figures “two years from the commencement of the Mines and Minerals (Regulation and Development) Amendment Ordinance, 1994” shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely: —

“(1A) Where any action is taken under clause (a) or clause (b) of sub-section (1) to bring the period of any lease in conformity with the provisions of this Act and the rules made thereunder, then, notwithstanding anything contained in section 8, the period of such lease shall continue to operate for a period of two years from the date of bringing such lease in conformity with the provisions of this Act.”.

7. *Amendment of section 17A.*—In section 17A of the principal Act, —

(a) after sub-section (1), the following sub-section shall be inserted, namely: —

“(1A) The Central Government may, in consultation with the State Government, reserve

any area not already held under any prospecting licence or mining lease, for undertaking prospecting or mining operations through a Government company or corporation owned or controlled by it, and where it proposes to do so, it shall, by notification in the Official Gazette, specify the boundaries of such area and the mineral or minerals in respect of which such area will be reserved.”;

(b) in sub-section (2), the words “or by the Central Government” shall be omitted;

(c) in sub-section (3), for the words, brackets and figure “Where in exercise of the powers conferred by sub-section (2) the State Government”, the words, brackets and figures “Where in exercise of the powers conferred by sub-section (1A) or sub-section (2) the Central Government or the State Government, as the case may be,” shall be substituted.

8. *Amendment of section 19.*—In section 19 of the principal Act, in the *Explanation*, the words “in any State” shall be omitted.

9. *Insertion of section 23B.*—After section 23A of the principal Act, the following section shall be inserted, namely: —

“23B. *Power to search.*—If any gazetted officer of the Central or a State Government authorised by the Central Government in this behalf by general or special order has reason to believe that any mineral has been raised in contravention of the provisions of this Act or rules made thereunder or any document or thing in relation to such mineral is secreted in any place, he may search for such mineral, document or thing and the provisions of section 100 of the Code of Criminal Procedure, 1973 shall apply to every such search.”.

10. *Amendment of section 28.*—In section 28 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely: —

“(3) Every rule and every notification made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists one House, before that House.”.

11. *Amendment of section 30.*—In section 30 of the principal Act, the words “with respect to any mineral other than a minor mineral” shall be inserted at the end.

12. *Substitution of First Schedule.*—For the First Schedule to the principal Act, the following Schedule shall be substituted, namely:—

**“THE FIRST SCHEDULE**

[See sections 4(3), 5(1), 7(2) and 8(2)]

**SPECIFIED MINERALS**

**PART A. Hydro Carbons/Energy Minerals**

1. Coal and Lignite.

**PART B. Atomic Minerals**

1. Beryl and other beryllium-bearing minerals.
2. Lithium-bearing minerals.
3. Minerals of the “rare earths” group containing Uranium and Thorium.
4. Niobium-bearing minerals.
5. Phosphorites and other phosphatic ores containing Uranium.
6. Pitchblende and other Uranium ores.
7. Rutile.
8. Tantalum-bearing minerals.
9. Uraniferous allanite, monazite and other thorium minerals.

10. Uranium-bearing tailings left over from ores after extraction of copper and gold, ilmenite and other titanium ores.

11. Zircon.

**PART C. Metallic and Non-Metallic Minerals**

1. Asbestos.
2. Bauxite.
3. Chrome Ore.
4. Copper Ore.
5. Gold.
6. Iron Ore.
7. Lead.
8. Limestone, except when it is used in kilns for the manufacture of lime as building material.
9. Manganese Ore.
10. Precious stones.
11. Zinc.”

SHANKER DAYAL SHARMA,  
*President.*

K. L. MOHANPURIA,  
*Secy. to the Govt. of India.*